

RESOLUTION NO. 91-549

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUL 16 1991

RESOLUTION DECLARING DELINQUENT WATER, SEWER, REGIONAL SEWER, GARBAGE, GARDEN REFUSE, AND STORM DRAINAGE SERVICE FEES A LIEN ON PROPERTIES TO WHICH SUCH SERVICES WERE FURNISHED

WHEREAS, pursuant to the provisions of the Sacramento City Code, the owners of the real properties described in Exhibit A on file in the City Clerk's Office, have been notified that water, sewer, regional sewer, garbage, garden refuse, and storm drainage services furnished to said properties were unpaid for a period of sixty days and that subsequent proceedings would be taken by the Council to make the charges a lien on the real properties if said charges were not paid; and

WHEREAS, pursuant to the Sacramento City Code, notices were mailed to the owners of said properties informing them of a public hearing to be held before the Council on June 18, 1991, concerning said unpaid water, sewer, regional sewer, garbage, garden refuse and storm drainage service fees; and

WHEREAS, on June 18, 1991, said hearing was conducted, protests heard, and the hearing closed:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That all of the protests have been considered and have been rejected, revised, or confirmed as provided in Exhibit B.
2. That the charges set forth in Exhibit A for the furnishing of water, sewer, regional sewer, garbage, garden refuse and storm drainage service, to the real properties described in said Exhibit A are owing and delinquent.
3. That the City Council, in accordance with the provisions of the Sacramento City Code, is entitled to and hereby attaches a lien upon the real properties described in said Exhibit A in the amounts set forth opposite each parcel of property.
4. That such liens shall constitute a special assessment against the properties at which the services were rendered, and shall be collectible at the same time and in the same manner as

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secured property taxes are collected, and shall be subject to the same penalties, priorities, and procedures in the case of delinquency.

5. That the City Clerk shall file a certified copy of the confirmed report with the Sacramento County Auditor/Controller for collection of said liens as hereinabove provided.

Anne Rardin

MAYOR

ATTEST:

Valerie A. Burrows
CITY CLERK

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LIEN LIST: ON FILE IN THE CITY CLERK'S OFFICE

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CITY OF SACRAMENTO
FY 1990/91 UTILITY LIEN PROTESTS

Theodus Ambers
Utility Billing Account No. 001-1273680-001
Service Address: 207 Arrowrock Road

ISSUE: Mr. Ambers stated he was on disability and unable to pay the City utility bill, but will try to pay \$100 by July 15, 1991. He also requested a payment arrangement to pay the delinquent utility amount.

FINDINGS: The last payment posted was \$57.55 on June 11, 1990. As of the May 29, 1991 billing, the total due was \$398.32.

RECOMMENDATION: Remove from lien list and allow customer to have a payment plan.

Bashir Y. Anastas
Utility Billing Account No. 001-0716034-002
Service Address: 510 Jefferson Avenue

ISSUE: Mr. Anastas stated the bills were mailed to his tenant and were not paid. Mr. Anastas will pay the bills in full if the City waives the late payment charges. Mr. Anastas also stated one unit was vacant for two months.

FINDINGS: Chapter 64 of the Sacramento City Code requires that charges for all City utility services be billed on one bill to the owner of the property to which such utility services were rendered. Mr. Anastas had knowledge of where the City utility bills were mailed and did not notify this office of a corrected mailing address until March, 1991. The last payment posted was \$53.42 on January 9, 1991. As of the June 24, 1991 billing, the total due was \$495.71. The City does not grant partial vacancy credit unless a portion of the building is condemned or fire damaged.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Shelly Bailey
Utility Billing Account No. 001-0678259-001, 001-0829958-001, 001-0829981-001
Service Address: 7223 Harbor Light Way, 4840 Monterey Way, 4850 Monterey Way

ISSUE: Mr. Bailey stated he will pay all accounts in full by the end of July.

FINDINGS: Last payments posted were \$38.59 on April 10, 1990 for 7223 Harbor Light Way; \$325.98 on January 23, 1990 for 4840 Monterey Way; and \$325.98 on January 23, 1990 for 4850 Monterey Way. As of

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the May 23, 1991 billing (Harbor Light Way) and June 18, 1991 billing (Monterey Way), the total due for the three properties was \$2,266.01.

RECOMMENDATION: Lien properties if balance is not paid and posted by July 25, 1991.

Lily Cai
Utility Billing Account No. 001-0464244-002
Service Address: 1939 Burnett Way

ISSUE: Mr. Cai stated he would pay \$100.00 now and the balance by the end of July.

FINDINGS: Last payment posted was \$123.04 on June 28, 1990. As of the June 10, 1991 billing, the total due was \$451.74.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Haley Franciel
Utility Billing Account No. 001-0439562-001
Service Address: 6219 Booth Lane

ISSUE: Ms. Franciel stated she will pay \$100.00 in July and requested a payment arrangement for the balance of the delinquent utility amount.

FINDINGS: The last payment posted was \$60.00 on December 12, 1990. As of the June 14, 1991 billing, the total amount due was \$414.70.

RECOMMENDATION: Remove from lien list and allow customer to have a payment plan.

GAF Property Management Co., Inc.
Dave Domingo, Manager
Utility Billing Account No. 001-0652636-001, 001-0867292-001, 001-0674391-001
Service Address: 2323 Gibson Street, 2296 Oakmont Street, 2264 Grove Avenue

ISSUE: Mr. Domingo stated these properties were purchased thru foreclosure on February 15, 1991 and the lien is only valid for charges accrued before the date of the lien. The properties are vacant and City utilities are not used.

FINDINGS: This is a continuing lien which was recorded before the date of the original deed of trust. This secures the amounts that have become due and will become due. The water is on at all three properties and minimum usage is charged.

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RECOMMENDATION: Lien properties if balance is not paid and posted by July 25, 1991.

Manuel Gonzales
Utility Billing Account No. 001-0596520-001
Service Address: 2351 Erickson Street

ISSUE: Mr. Gonzales stated the property is vacant and being renovated for rental. Water was turned off on May 20, 1991 for non-payment, however the garbage service was never discontinued.

FINDINGS: There is no record of a request to discontinue garbage service. However, a credit of \$45.74 was issued for non-use of garbage service due to the water service at residence being turned off.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Robert Gonzales
Utility Billing Account No. 001-0372871-001
Service Address: 7928 Albion Way

ISSUE: Mr. Gonzales stated he will try to pay a portion of the City utility bill by July 15, 1991, but would like a payment arrangement for the balance.

FINDINGS: Last payment posted was \$72.96 on October 18, 1990. As of the May 22, 1991 billing, the total due was \$496.19.

RECOMMENDATION: Remove from lien list and allow customer to have a payment plan.

M. Keith Griswold
Utility Billing Account No. 001-0566915-001
Service Address: 3401 Douglas Street

ISSUE: Mr. Griswold stated he would be able to pay his bill in full in 60 days and requested a payment plan to do so.

FINDINGS: The last payment posted was \$50.00 on March 14, 1991. As of the May 23, 1991 billing, the total due was \$371.84.

RECOMMENDATION: Remove from lien list and allow customer to have a payment plan.

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Minnie Henderson
Utility Billing Account No. 001-0150108-001
Service Address: 3848 35th Street

ISSUE: Ms. Henderson stated she will pay \$434.08 by the end of July.

FINDINGS: The last payment posted was \$57.12 on October 10, 1990. As of the June 12, 1991 billing, the total due was \$615.68.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Richard Howard
Utility Billing Account No. 001-0295134-001
Service Address: 4557 14th Avenue

ISSUE: Mr. Howard stated the owners of the property, his grandparents, are deceased and that he is residing in the house. He also requested a payment arrangement to pay the delinquent utility amount.

FINDINGS: The last payment posted was \$61.70 on August 12, 1988. As of the June 12, 1991 billing, the total amount due was \$747.26. Delinquent utility charges were placed on FY1990-91 tax bill, therefore the request for a payment plan is denied.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Sally Johnson
Utility Billing Account No. 001-0354619-001
Service Address: 2109 56th Avenue

ISSUE: Ms. Johnson stated her husband has been off work for over one year due to illness and that she is on disability. She had filed Chapter 13 in November, 1990 and would like to make payment arrangements to pay the balance of the delinquent utility amount.

FINDINGS: There is no record that the City of Sacramento was listed as a creditor when she filed bankruptcy in November, 1990. Upon receipt of that information her account will be adjusted. Last payment posted was \$108.08 on June 15, 1990. As of the June 14, 1991 billing, the total due was \$795.49

RECOMMENDATION: Remove from lien list and allow customer to have a payment plan.

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Willie Jones
c/o Geneatha Burns
Utility Billing Account No. 001-1015761-001
Service Address: 1161 South Avenue

ISSUE: Mr. Jones stated the owner, Geneatha Burns, is on disability and is unable to pay the City utility bill. He also requested a payment arrangement for Mrs. Burns to pay the delinquent utility amount.

FINDINGS: The last payment posted was \$66.73 on July 19, 1988. As of the May 28, 1991 billing, the total due was \$752.94. Delinquent utility charges were placed on the FY1990-91 tax bill, therefore the request for a payment plan is denied.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

James Koch
Utility Billing Account No. 001-0413225-001, 001-0413314-001, 001-0595546-001,
001-0651775-001, 001-0667729-001, 001-0916371-001,
001-1054919-001
Service Address: 4583 Barbee Way, 4615 Barbee Way, 1505 Endres Ct.,
5644 Gearny Drive, 8003 Grandstaff Drive, 7640 Quinby Way,
7225 Tamoshanter Way

ISSUE: Mr. Koch stated he has not received any of his City utility bills for the seven properties.

FINDINGS: The seven utility bills were mailed to the correct address, P.O. Box 9914, Sacramento, CA 95823, for the past year. The last payments were posted on January 30, 1990 for all seven accounts.

RECOMMENDATION: Lien properties if balances are not paid and posted by July 25, 1991.

Pauline Kouvalas
Utility Billing Account No. 001-0473558-001
Service Address: 3732 Cameron Road

ISSUE: Ms. Kouvalas stated the property has been vacant from May, 1990 to September, 1990. She stated that the property was vacant again starting November, 1990. The Solid Waste Division backbilled her for garbage service from November, 1988 to November, 1990 and continued to bill for current charges. Ms. Kouvalas brought in her SMUD bill showing no usage from November, 1990 to present.

FINDINGS: Account was paid current until November, 1990 when the backbill for garbage service appeared on customer's utility bill. Property was vacant from November, 1990 to present.

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RECOMMENDATION: Remove all penalties assessed after November, 1990 and credit garbage charges from November, 1990 to present. Allow owner three months to pay the account with no additional late payment charges. Remove from lien list.

Ferlander Lewis
Utility Billing Account No. 001-0830961-001
Service Address: 4440 Montril Way

ISSUE: Mr. Lewis stated he will pay the lienable amount by July 15, 1991.

FINDINGS: The last payment posted was \$75.00 on October 18, 1990. As of the June 18, 1991 billing, the total due was \$486.64.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Jeff Lillibridge
Utility Billing Account No. 001-0310223-001
Service Address: 7880 20th Avenue

ISSUE: Mr. Lillibridge stated he is the tenant and that the owner, Ron Olives, receives the utility bills in Shingle Springs. The owner will not pay the bills and Mr. Lillibridge is requesting a change of mailing address to 7880 20th Avenue. Mr. Lillibridge would also like a payment arrangement to pay the delinquent utility amount.

FINDINGS: Chapter 64 of the Sacramento City Code requires that charges for all City utility services be billed on one bill to the owner of the property to which such utility services were rendered. Delinquent utility charges were placed on the FY1990-91 tax bill, therefore the request for a payment plan is denied.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Val Jean Lucas
Utility Billing Account No. 001-0464686-001
Service Address: 62 Butterworth Avenue

ISSUE: Ms. Lucas stated that the owner of the property, her mother, is deceased and that she resides in the house. She would like a payment arrangement to pay the delinquent utility amount.

FINDINGS: Last payment posted was \$80.00 on September 11, 1987. As of the May 22, 1991 billing, the total due was \$700.41. Delinquent utility charges were placed on FY1990-91 tax bill, therefore the request for a payment plan is denied.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

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William Melson
Utility Billing Account No. 001-0897634-001
Service Address: 2272 Pierre Avenue

ISSUE: Mr. Melson stated he requested all services to be shut-off one year ago. The house has been vacant and trashed and needs repairs.

FINDINGS: There is no record of a request to place the account on vacancy status or a payment of the vacancy fee in addition to the account paid current. The last payment posted was \$169.78 on September 7, 1988. As of the May 28, 1991 billing, the total amount due was \$752.94. Delinquent utility charges were placed on the FY1986/87, FY1987/88, and FY1989/90 property tax bills.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Jesse J. Miller
Utility Billing Account No. 001-0102054-002
Service Address: 7569 18th Street

ISSUE: Mr. Miller stated he will pay his City utility bill by July 24, 1991.

FINDINGS: Last payment posted was \$50.00 on February 7, 1991. As of the June 14, 1991 billing, the total due was \$482.75.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Lou Nelson
Utility Billing Account No. 001-0509773-001
Service Address: 3608 Clay Street

ISSUE: Mr. Nelson stated he was fixing the sewer system in both bathrooms and was unable to make payments on the City utility bill. He also requested a payment arrangement to pay the delinquent utility amount.

FINDINGS: The last payment posted was \$156.72 on March 3, 1988. As of the May 22, 1991 billing, the total due was \$751.98. Delinquent utility charges were placed on the FY1990-91 tax bill, therefore the request for a payment plan is denied.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

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Dorothy Partida
Utility Billing Account No. 001-0581028-001
Service Address: 191 El Camino Avenue

ISSUE: Ms. Partida stated she was in the hospital and unable to pay the City utility bill but will pay \$464.31 by July 24, 1991.

FINDINGS: Last payment posted was \$161.34 on March 19, 1990. As of the June 4, 1991 billing, the total due was \$524.20. Our records indicate water was shut off on March 4, 1991 and placed on condemnation vacancy.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Betty L. Peters
Utility Billing Account No. 001-1014970-001
Service Address: 21 South Avenue

ISSUE: Ms. Peters stated the property is used for storage only and has been vacant since she purchased the property in December, 1988. Ms. Peters also stated that none of the inside plumbing works and the house was condemned.

FINDINGS: The Sewer and Building Divisions verified this property is hooked up to the City sewer line and was not condemned by the City. Last payment posted was \$35.48 on March 27, 1991. As of the June 26, 1991 billing, the total amount due was \$627.63.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Murad Ali Saeed
Utility Billing Account No. 001-0844696-001
Service Address: 4150 Newcastle Street

ISSUE: Mr. Saeed stated he would pay \$100.00 on June 19, 1991 and \$200.00 on June 24, 1991 and the balance by the end of July.

FINDINGS: The last payment posted was \$50.00 on October 24, 1990. As of the May 24, 1991 billing, the total due was \$619.06.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Miguel Serrato
Utility Billing Account No. 001-0265529-001
Service Address: 3605 6th Avenue

ISSUE: Mr. Serrato stated he was having problems paying his City utility bill, but will try to pay \$200.00 by July 15, 1991. Mr. Serrato also requested a payment arrangement to pay the delinquent utility amount.

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FINDINGS: The last payment posted was \$150 on July 12, 1990. As of the June 6, 1991 billing, the total due was \$738.64. Delinquent utility charges were placed on the FY1990-91 tax bill, therefore the request for a payment plan is denied.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Cynthia Scott
Utility Billing Account No. 001-0611037-002
Service Address: 7904 Farnell Way

ISSUE: Ms. Scott stated she was going through a divorce and her husband was suppose to pay the City utility bill. Ms. Scott also requested a payment arrangement to pay the delinquent utility amount.

FINDINGS: Since May 26, 1990, the mailing address has been changed several times from her husband's address to her address. Since Ms. Scott resides at the residence the bills will continue to be mailed to her address. The last payment posted was \$50.00 on June 27, 1990. As of the June 17, 1991 billing, the total due was \$497.08.

RECOMMENDATION: Remove from lien list and allow customer to have a payment plan.

Harry B. Stonebaker
Utility Billing Account No. 001-0940578-002
Service Address: 1008 Rivera Drive

ISSUE: Mr. Stonebaker stated he is on disability and not working at this time. He would like to pay \$168.48 as soon as he receives his disability check.

FINDINGS: Last payment posted was \$149.78 on December 20, 1990. As of the May 28, 1991 billing, the total due was \$318.33.

RECOMMENDATION: Lien property if balance is not paid and posted by July 25, 1991.

Diana Tsutsui
Utility Billing Account No. 001-0729441-001
Service Address: 2470 Kim Avenue

ISSUE: Ms. Tsutsui stated that due to her divorce, she was left with a large delinquent utility bill and mortgage payments. The mortgage company is working with her and she would like a payment arrangement to pay the delinquent utility amount.

FINDINGS: Last payment posted was \$86.44 on February 28, 1990. As of the May 24, 1991 billing, the total due was \$808.26.

RECOMMENDATION: Remove from lien list and allow customer to have a payment plan.

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G. Richard Whitney
Utility Billing Account No. 001-0688621-001
Service Address: 1124 Hawk Avenue

ISSUE: Mr. Whitney stated the property was vacant since 1987 and no services have been used or been made available.

FINDINGS: There is no record of a request to place the account on vacancy status or a payment of the vacancy fee in addition to the account paid current. The water is on and available. There have been no payments posted to this account since the date of purchase. Delinquent utility charges were placed on the FY1987/88, FY1988/89, and FY1989/90 property tax bills.

RECOMMENDATION: Issue two years credit, \$229.20, for non-use of garbage service. Lien property if balance is not paid and posted by July 25, 1991.

Jan F. Windsor
Utility Billing Account No. 001-0762966-003
Service Address: 3733 Lily Street

ISSUE: Mr. Windsor stated the house is in escrow and Stewart Title Company will pay all utility charges current in 60 days.

FINDINGS: Last payment posted was \$200.00 on January 7, 1991. As of the May 24, 1991 billing, the total due was \$502.48.

RECOMMENDATION: Remove from lien list and allow Stewart Title Company to pay the bill in 60 days.

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